UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1995/944
10 November 1995

ORIGINAL: ENGLISH

LETTER DATED 10 NOVEMBER 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 8 November 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in Security Council resolution 988 (1995) of 21 April 1995.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

95-34945 (E) 101195 111195

/...

Annex

Operations of the Mission of the International Conference on the Former Yugoslavia to the Federal Republic of Yugoslavia (Serbia and Montenegro)

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 13 of Security Council resolution 988 (1995) of 21 April 1995 and paragraph 2 of Council resolution 1015 (1995) of 15 September 1995. In those resolutions, the Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that, on 4 August 1994, the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the 'Republika Srpska'";

(b) "To prohibit the stay of the members of the leadership of the 'Republika Srpska' (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia";

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the 'Republika Srpska' except food, clothing and medicine".

3. On 19 September, 3 October, 2 November and 5 December 1994 and 5 January, 3 February, 2 March, 31 March, 13 April, 18 May, 25 June, 3 August, 6 September and 11 October 1995, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the above-mentioned measures (S/1994/1074; S/1994/1124; S/1994/1246; S/1994/1372; S/1995/6; S/1995/104; S/1995/175; S/1995/255; S/1995/302; S/1995/406; S/1995/510; S/1995/645; S/1995/768 and S/1995/865). The report dated 11 October 1995 contained the following certification from the Co-Chairmen:

> "In the light of the foregoing developments, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, either from the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The Co-Chairmen also conclude that, during the period

covered by the present report, there have been no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina."

Developments since the last report are outlined below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

4. The decision of the Federal Republic of Yugoslavia (Serbia and Montenegro) to break off all economic and political relations with the "Republika Srpska" that was reached at the one hundred eighty-seventh session on 4 August 1994 and amended during the two hundred seventy-fifth session on 13 July 1995, was further amended at the three hundred third session on 17 October 1995. The latest amendment to the said decision stipulated that, in addition to food, clothing and medicine; articles for hygiene and disinfectants; books, textbooks and other school materials; funeral equipment; and articles for religious services, the following goods may be sent to the "Republika Srpska" as humanitarian aid:

Building materials

Plastic sheeting

Coal and wood burning stoves

Fifty tons of fuel oil (one off).

5. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have provided the Mission with the following list of confiscations conducted along its border with Bosnia and Herzegovina for the month of September 1995:

Petrol	9.5 tons
Diesel	9.7 tons
Motor oil	1.1 tons
Cigarettes	380 kg
Construction materials	8.1 tons
Wood	96 cubic metres
Alcohol	1.6 tons
Food	2.8 tons
Textiles, clothing, footwear	0.9 tons
Motor vehicles	8
Animals	56
Electrical gadgets	42 kg
Other goods	8.7 tons

6. There were 147 new offence procedures initiated during the month of September and 92 were finalized. Fines and penalties amounted to 185,600 dinars. In volume terms, the confiscations were down from the previous month but the number of new offence cases and value of penalties continue to be well above the average for the previous 13 reporting periods. Confiscations in the

Sector Alpha area along the Drina River continue to account for 80 per cent of the total confiscations along the border.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

7. As of 6 November 1995, there were 217 international observers on duty in the Mission. The Mission personnel to date have come from the following countries: Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America. At this time, Canada, Greece, Portugal and Spain are not represented in the Mission.

8. During the reporting period, approximately 4,500 refugees from Bosnia and Herzegovina crossed the border into the Federal Republic of Yugoslavia (Serbia and Montenegro) mainly through the border crossing point at Sremska Raca. The operational situation within the Mission's area of responsibility has remained calm.

9. During the period 12 to 18 October, the Mission conducted a traffic survey at all 17 border crossing points. A similar exercise was conducted last March to determine the actual numbers of vehicles and persons crossing the border daily in both directions. This most recent survey indicates an overall 30 per cent reduction of traffic over the past seven months. Actual average daily figures are as follows:

Persons	20,444 (-29 per cent)
Buses	252 (-28 per cent)
Lorries/Trucks	143 (-28.5 per cent)
Cars	5,275 (-28 per cent)
Tractors	443 (-41 per cent)

The three busiest crossing points, accounting for more than half the traffic volume, were again Sremska Raca (Sector Belgrade), Badovinci (Sector Alpha) and Trbusnica (Sector Alpha). The downward trend was reflected at all border crossing points apart from Ljubovija (Sector Alpha), where there was a noticeable increase of all vehicular traffic. A possible explanation for this increase is that after the July fall of the Srebrenica enclave, located some 10 kilometres to the south-west of Ljuboviha, Bosnian Serbs who relocated to the Srebrenica area started to use the Ljubovija border crossing point. Though not related to this traffic survey, the frequency of freight trains passing briefly through the areas of Bosnia and Herzegovina under the control of Bosnian Serb forces diminished by 33 per cent.

IV. FREEDOM OF MOVEMENT AND SECURITY OF PERSONNEL

10. With a few exceptions, the Mission continues to enjoy freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro). On 19 and 27 October, the movements of two Mission mobile patrols were restricted in the vicinity of Uvac (Sector Bravo) when they were denied entry through a Yugoslav

Army (VJ) checkpoint. On 20 October, the Mission Coordinator and his Chief of Staff were obliged to wait 20 minutes at the same checkpoint before getting permission to pass through it. On 28 October, the Chief of Staff of the Mission called on the Deputy Head of the Yugoslav Army (VJ) Department for Relations with Foreign Attachés and International Organizations and drew his attention to the above-mentioned incidents.

11. On 20 October, an intoxicated local police officer threatened a Mission observer with a pistol at the Krstac border crossing point in Sector Charlie. A police patrol was immediately dispatched from police headquarters in Niksic to the border crossing point, where the intoxicated police officer was arrested. The Chief of the Niksic police station personally expressed his apology to the Mission Head of Sector and stated that it was an exceptional case which should not erode the existing friendly relationship between Mission personnel and the local police in the area.

12. On 21 October, one Mission mobile patrol from Sector Charlie was detained for three hours by members of VJ military at the checkpoint in Kovaci before the observers were released. The local authorities apologized, saying it was a "misunderstanding".

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

13. Notwithstanding the above-mentioned incidents, cooperation with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be generally good. However, despite repeated requests, the Mission has experienced serious delays in receiving the Government's approval for licences to extend the Mission's radio communications network.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

14. The operating principle of the Mission is to base its reporting and evaluations on its own observations and on information that it has verified. The Mission Coordinator maintained a standing request to Governments possessing the technical capacity to provide the Mission with information relevant to its mandate.

15. At the end of September and in early October, the Mission Coordinator, on several occasions, received information from unidentified sources of possible attempts to violate the border closure. Immediately, the Mission took various steps to detect and prevent transgressions of United Nations resolutions pertaining to the border closure. These putative operations and the preparation of the Mission's monthly report were occurring simultaneously and therefore were not mentioned in the previous report (S/1995/865). Furthermore, because of the precision of the information received, no details can be provided in the present report for fear of compromising the sources. It is noteworthy that the precision and timeliness of some information have enabled the Mission teams to increase their vigilance and apparently avert possible violations in eight different instances.

16. At the end of October, the Mission received information of a possible attempt to smuggle goods from the Federal Republic of Yugoslavia (Serbia and Montenegro) into Bosnia and Herzegovina in two tractor-trailers. These vehicles did not appear at the border.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

17. Unarmed uniformed personnel continue to cross the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina. During the reporting period, 348 unarmed uniformed personnel crossed the border at Sremska Raca (Sector Belgrade), four at Badovinci (Sector Alpha) and 10 at Trbusnica (Sector Alpha). On 30 October, a Bosnian Serb policeman in uniform carrying a sidearm was allowed to cross the border into the Federal Republic of Yugoslavia (Serbia and Montenegro) at Brbanj (Sector Charlie). He visited the local coffee-shop and returned into Bosnia and Herzegovina a few minutes later.

18. In response to a request by the Director-General of the Yugoslav Federal Customs Administration, Mihalj Kertes, the Mission Coordinator, on 13 October, approved as humanitarian aid the crossing of four tankers transporting 50 tons of heating oil, 30 tons of diesel and 30 tons of petrol. Mr. Kertes had stated that the consignment was destined for the bakery and hospital at Banja Luka to cope with the deteriorating refugee situation caused by the influx of refugees in the area. On 19 October, Federal Customs Officers at Sremska Raca (Sector Belgrade) allowed a similar consignment of four tankers to cross the border into Bosnia and Herzegovina. This time, Mission headquarters was not consulted and the act was considered a clear violation of the border closure and called for an explanation from the responsible authorities.

19. On 20 and 21 October, the Mission Coordinator raised the matter with Director-General Kertes and his Deputy, Mr. Bran Knezic. They claimed that letting the consignment cross on 19 October was based on a "misunderstanding" between the Mission and the Customs authorities. On 24 October, the Mission Coordinator called on Director-General Kertes. In the course of the discussions, Mr. Kertes explained that an agreement was reached within the Government of the Republic of Serbia to send, on a monthly basis, large quantities of oil products as humanitarian aid to the "Republika Srpska". In the context of the ongoing peace negotiations, the matter required the immediate attention of the Co-Chairmen. On 27 October, Mr. Stoltenberg brought the matter to the attention of President Milosevic.

20. On 2 November, the Mission Coordinator and his Senior Customs Adviser called on the Deputy Prime Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Nikola Sainovic, at the latter's request and upon instructions of President Milosevic. Mr. Sainovic explained that there was no intention to breach United Nations regulations nor to circumvent the Mission's mandate. He stressed that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) would maintain full and strict adherence to the border closure agreement. Oil products would not be allowed to cross the border as humanitarian aid to the "Republika Srpska".

21. During October, an increased number of "humanitarian aid" consignments was denied. For example, in the first two weeks of October there was an average of six refusals per day. The most common cases were Bulgarian sugar, Romanian salt, Italian washing powder and bulk corn, which were found to be trade consignments and not humanitarian aid. Therefore, the Mission teams refused to place seals on the trucks. A list of suspected traders has been established to prevent commercial companies engaged in trading with the "Republika Srpska" from supplying consignments in the future.

22. The increased number of mobile patrols, especially along the River Drina, has enabled the observers to detect the following incidents:

(a) On 10 October, a patrol observed smugglers loading fuel cans on a boat near Mali Zvornik. A VJ military patrol moved into the area and the smugglers managed to escape with eight 100-litre barrels in a 4-metre wooden boat, but left behind three full 100-litre barrels and one 50-litre can. On 12 October, in the area 5 kilometres south-east of Citluk, the same Mission patrol saw smugglers transporting approximately 10 crates of beer across the Drina River into Bosnia and Herzegovina;

(b) On 16 October, another patrol sighted a large boat crossing the Drina River carrying six men and more than 50 heavily loaded cardboard boxes. A large truck awaited the boat on the Bosnian side. On 18 October, a Sector Alpha mobile patrol observed five smugglers unloading boxes from a large boat onto a large truck on the Bosnian side of the Drina River;

(c) On 23 October, observers sighted a large boat fitted with an outboard motor on the Bosnian side of the Drina River. When the patrol approached to observe the activity, the perpetrators disappeared into the bushes leaving their boat and a large number of beer crates and cardboard boxes.

23. On 3 November, an observer saw a man with an ox-drawn wagon cross into Bosnia and Herzegovina 2 kilometres south of Kotroman (Sector Bajina Basta). The wagon carried four 200-litre drums, contents unknown.

24. On 13 October, a helicopter was observed crossing the border from the Federal Republic of Yugoslavia (Serbia and Montenegro) into Bosnia and Herzegovina in the Nudo area (Sector Charlie). The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) described it as a CASEVAC flight, stating that the United Nations was not informed because it was an emergency. The Mission has no means of verifying this information provided by the Federal authorities. During his meeting with the Director-General of Federal Customs on 24 October, the Mission Coordinator underlined the seriousness the United Nations Security Council attaches to any unauthorized helicopter flights crossing the border. On 28 October, one Mi-8 helicopter, originating from the Bosnian side and heading south-east, crossed the border south of the border crossing point at Scepan Polje (Sector Charlie). The Federal authorities have yet to explain the nature of this flight.

VIII. CERTIFICATION

25. In the light of the foregoing developments, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, either from the airborne reconnaissance system of NATO or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The Co-Chairmen also conclude that, during the period covered by the present report, there have been no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina.